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was a valid trust for proper purposes. The unincorporated bodies mentioned, although their membership was constantly changing, were sufficiently identified as *cestuis*, and they were properly represented by prominent members, suing in behalf of themselves and others. The nature of the Archbishop's interest was permitted to be shown by the laws and canons of the church, although some of them ran back for fifteen centuries. *Mannix v. Purcell*, 19 N. E. Rep. 572 (Ohio).

WILLS — ATTESTATION. — In New York, either an attesting witness to a will must see the testator sign his name, or the testator, exhibiting the signature to the witness, must acknowledge it to be his. Consequently an attestation is insufficient, if the will is so folded that the witness cannot see the signature, although the testator acknowledges the instrument to be his last will and testament. *In re Mackay's Will*, 18 N. E. Rep. 433 (N. Y.).

WILLS — MENTAL CAPACITY OF TESTATOR. — A testator is mentally competent if he have mind enough to understand the nature of the transaction in which he is engaged, and be mentally capable of recollecting the property which he means to dispose of, the objects of his bounty, and the manner in which he wishes to distribute it among them. *Kerr v. Lunsford*, 8 S. E. Rep. 493 (W. Va.).

REVIEWS.

AMERICAN CONSTITUTIONAL LAW. By J. I. Clark Hare, LL.D. In two volumes. Little, Brown, & Co., Boston, 1889. 8vo. Pages 1,400.

No apology is needed for a new work on constitutional law, for however able the past treatises have been, the subject is one of such constant development that the method of annotation is unsatisfactory. The recent cases are too important to be summarized in a foot-note. The book before us has the additional interest of coming from the pen of Judge Hare, for whatever the learned author of "Contracts" has to say is sure to be suggestive. As far as the substance of the work is concerned, the result is not disappointing. It contains an astonishing mass of material gleaned from every field of constitutional history. The work deserves particular mention for its suggestive, although sometimes disproportioned, treatment of some of the distinctively modern problems. Such is Lecture XIX., on Civil-Service Reform and the Primary System. Every here and there, also, a little note or some side remark opens up a broad field of thought in a manner somewhat diffuse, but, on the whole, invigorating. It can fairly be said that in breadth, in learning, and in suggestiveness the work is a valuable contribution to the subject.

It is to be regretted, however, that the form in which the work is presented is by no means equal to its substance. It seems to suffer from a lack of method, brought about in part, perhaps, from the unwieldy mass of material. The different lectures have no distinctive titles, so that it is sometimes difficult to tell at a glance what the main thread of the lecture is about. The divisions of the subject are not always clearly treated as a whole, although the remarks on individual cases are acute and discriminating. An example of this is the commerce clause, a subject which more than any other seems almost to demand a chronological arrangement to show its development. After a treatment of *Gibbons v. Ogden*, in which it is hard to see just where

the quotations from the case end and the comments begin, the author takes up treaties, then internal commerce and trade-marks. Police power is touched on twice,—at page 454, and again in the following chapter. The same is true of ferries. The result is that, however clear may be the idea of individual cases, it is difficult to trace the history of the commerce clause, or to formulate just what the present condition of the law is, and in so far the usefulness of a work, otherwise admirable, is impaired. The volumes are printed in a thorough way, and the index, so far as we have been able to examine it, is satisfactory.

G. R. N.

THE MERCANTILE LAW OF ENGLAND AND THE UNITED STATES. By John William Smith, with notes by Carter P. Pomeroy. San Francisco: Bancroft-Whitney Co., 1887. 12mo. Pages xxv and 888.

We have here in compact, handy form a compendium of the laws governing the business world. The text, which is necessarily very comprehensive in its scope, is that of the third English edition, and is retained entire, with the single exception of the chapter on the Bankruptcy Acts of England. The work of the American editor, which appears to be well done, is found in the foot-notes, which collect the American and English authorities and point out the changes in the law since the text was written.

The book in its make-up is similar to "Desty on Federal Procedure" and "Newmark on Sales," published by the same house, and, like them, loses in value for want of a list of cases. The cases themselves are jumbled together under the various headings without any regard to arrangement, chronological, geographical, or otherwise. The pages occasionally show inaccurate proof-reading. There is a good index and table of contents, however, and the division of the text into sections is a valuable improvement over the original edition. We think, on the whole, the profession will find the work a serviceable assistant.

W. F. B.

THE WORK OF THE ADVOCATE. A practical treatise, containing suggestions for preparation and trial. By Byron K. Elliott and William F. Elliott. Bowen-Merrill Co., Indianapolis, 1888. 8vo.

A book so novel in its conception and complete in its execution cannot fail to be of interest to the profession. Though many cases are cited incidentally, it does not profess to be a law book in the strict sense of the term, but rather a book about the practice of law in and out of court. Beginning with the chapter "Learning and Preparing the Facts," the author discusses at length all the different stages of the case, from the time the client enters the office until the last appeal is taken, making practical suggestions at each step, and citing cases in support of the rules of law most likely to be called into use. It treats largely of those things which must always be governed by the tact of the advocate in each case; yet a careful perusal of it would at least serve to put one on his guard when dealing with a wary antagonist. While no book can teach sagacity, "The Work of the Advocate" shows one the importance of this trait in the practising attorney. It will be found especially valuable to the younger members of the profession who desire to learn the practical side of the law as distinguished from the theoretical.

C. M. L.